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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/821,669	03/29/2001	Scott J. Tuman	54407USA4C.007	4980

7590

06/18/2002

Office of Intellectual Property Counsel  
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PO Box 33427  
St. Paul, MN 55133-3427

EXAMINER

GALLAGHER, JOHN J

ART UNIT	PAPER NUMBER
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1733

DATE MAILED: 06/18/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/821669

Applicant(s)

Examiner

Group Art Unit

— The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address —

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- ☐ Responsive to communication(s) filed on \_\_\_\_\_
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- ☒ Claim(s) 11-20 is/are pending in the application.  
Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- ☒ Claim(s) 11-20 is/are rejected.
- ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- ☐ Claim(s) \_\_\_\_\_ are subject to restriction or election requirement

## Application Papers

- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).
- ☐ All ☐ Some\* ☐ None of the:
  - ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_
  - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a))

\*Certified copies not received: \_\_\_\_\_

## Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_
- ☒ Notice of Reference(s) Cited, PTO-892
- ☒ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☒ Other REFERENCE COPY

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1. Applicants' Preliminary Amendments (2), filed 29 March 2001, have both been received and made of record.

2. Claims 16-20 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. Specifically (a) claims 17-20 as presented are seen to be incomplete i.e. to constitute ONLY the second part of the applicants' envisioned process, as a comparison of the first and second paragraphs of the (newly submitted or substitute) Abstract would apparently fairly and clearly indicate; and (b) regarding claim 16, there is no indication in claim 11 that the stems are ever oriented to begin with.

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 11-16 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Zimmerman.

Zimmerman discloses that it is known to form a composite of (fabric) tape or web carried individual and separately formed thermoplastic (slide fastener) elements via a process wherein a plurality of such elements are simultaneously (injection) molded and shaped from a suitable heated and semi-fluid or molten thermoplastic resin AND affixed (i.e. by fusion bonding) to the tape. (Fig. 2, column 1 lines 18-76, column 2 lines 42-59). All of the essential limitations of these claims are seen to be satisfied by this reference; further regarding this rejection, the initial provision of the molding resin employed by this patentee as individual, discrete pieces or granules (i.e. prior to the heating of the resin) is held to constitute an obvious expedient or matter of choice to those of ordinary skill in this art, granulated thermoplastic resins being both well known and (commercially) available.

5. Claims 17-20 are further rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Melbye et al.

Melbye et al. disclose a process of the type and similar to that of Zimmerman wherein the (fastener) elements are integrally formed in a thermoplastic film via the use of an apertured plate pressed against the film. (Figs. 1-2, Comparative Example A i.e. column 7 line 55 thru column 8 line 2). All of the essential limitations of these claims are seen to

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be satisfied by this reference; further regarding this rejection, the formation of limited areas or arrays of elements by e.g. blocking or plugging (i.e. masking) a portion of the apertures in the plate of these patentees being held to constitute an expedient readily suggested (i.e. obvious) to those of ordinary skill in this art.

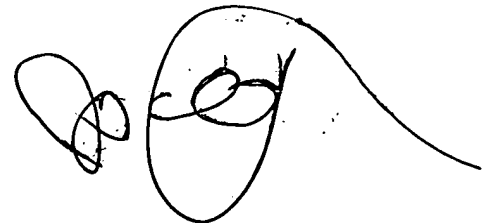
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to J. J. Gallagher whose telephone number is (703) 308-1971. The examiner can normally be reached on M-F from approximately 8:30 A.M. to 5 P.M. The examiner can also be reached on alternate N/A.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Ball, can be reached on (703) 308-2058. The fax phone number for this Group is (703) <sup>872-9310</sup> ~~305-3599~~.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0661/0662.

JJG  
JJGallagher:cdc

June 4, 2002



JOHN J. GALLAGHER  
PRIMARY EXAMINER  
ART UNIT 131-733